

JOURNAL OF THE HOUSE.

Monday, June 12, 2006.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

God, Our Creator, we take a moment to offer this prayer of thanksgiving for our blessings, both material and spiritual. As citizens of this nation and Commonwealth, we are grateful for the variety of opportunities in education, employment and related disciplines which we enjoy. With the ending of another academic year, we are grateful to teachers, administrators and parents for their dedication to excellence, truth and high ethical standards in all areas of daily life. As we celebrate with today's graduates, inspire us to plan for a peaceful, civil and bright future for graduates and students.

Prayer.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mrs. Coppola of Foxborough) on the occasion of the dedication of the Donald Cotter Recreation Hall in the town of Foxborough;

Donald
Cotter.

Resolutions (filed by Representatives Fagan of Taunton, Canessa of New Bedford and Haddad of Somerset) congratulating Dr. John P. Avery on the occasion of his retirement;

John P.
Avery.

Resolutions (filed by Representatives Fagan of Taunton, Canessa of New Bedford and Haddad of Somerset) congratulating Robert Murray on the occasion of his retirement;

Robert
Murray.

Resolutions (filed by Ms. Fox of Boston) commending Richard M. Freeland;

Richard M.
Freeland.

Resolutions (filed by Ms. Gobi of Spencer) celebrating John J. Dyjak Day;

John J.
Dyjak.

Resolutions (filed by Representatives Gomes of Harwich and Turner of Dennis) honoring F. Timothy Carroll upon his retirement as Superintendent of the Cape Cod Regional Technical High School District in Harwich, Massachusetts; and

F. Timothy
Carroll.

Resolutions (filed by Mr. Koczera of New Bedford) congratulating Kyle Miner on receiving the Eagle Award of the Boy Scouts of America;

Kyle
Miner.

Mrs. Harkins of Needham, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Rush of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

Communications

From the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to proposed changes in a certain fee to be charged by the Division of Professional Licensure;

From the Executive Office for Administration and Finance (under the provisions of Section 3B of Chapter 7 of the General Laws) relative to proposed changes in a certain fee to be charged by the Division of Professional Licensure; and

From the Water Resources Commission (pursuant to 313 CMR 4.06 (3) submitting its findings concerning the compliance of the proposed wellfield to be constructed in the town of North Attleborough with environmental criteria of the Interbasin Transfer Act;

Severally were placed on file.

Monthly and Special Reports.

A Monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Insurance Trust Fund for April, 2006; and

A report of the Special Commission to Study Tuition and Fee Waiver Programs (under the provisions of section 12 of Chapter 130 of the Acts of 2005) relative to tuition waiver fees for veterans;

Severally were placed on file.

Papers from the Senate.

An order came from the Senate with the endorsement that it had been adopted by said branch, as follows:

Ordered, That Notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Thursday, June 1, 2006, within which to make its final report on current Senate documents numbered 1334 and 1338 relative to public safety.

Under suspension of the rules, on motion of Mr. Rush of Boston, the order was considered forthwith.

Pending the question on adoption of the order, in concurrence, Ms. Coakley-Rivera of Springfield moved that it be amended by striking out the date "June 1, 2006" and inserting in place thereof the date "June 30, 2006" and by striking out the following: "and 1338".

The amendments were adopted.

The order, as amended, then also was adopted, in concurrence. Sent to the Senate for concurrence in the amendments.

A Bill transferring responsibility for the maintenance and repairs of all city of Lynn school buildings and grounds (Senate, No. 2562) (on Senate, No. 2415), passed to be engrossed by the Senate, was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Petrucci of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Golden of Lowell, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, in concurrence, the same member moved that it be amended by striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 5042.

The amendment was adopted; and the bill (Senate, No. 2562, amended) was passed to be engrossed, in concurrence. Sent to the Senate for concurrence in the amendment.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the following petitions:

Petition (accompanied by bill) of Marie J. Parente and Richard T. Moore that the Division of Capital Asset Management and Maintenance be directed to convey a certain parcel of land located in the town of Milford to Quarry Stone, LLC.. To the committee on Bonding, Capital Expenditures and State Assets.

Petition (accompanied by bill) of Antonio F. D. Cabral and others for legislation to regulate the awarding of high school diplomas. To the committee on Education.

Petition (accompanied by bill) of Joseph R. Driscoll for legislation to regulate the procurement process for selection of architects, engineers and other professionals under the public procurement law of the Commonwealth. To the committee on State Administration and Regulatory Oversight.

Petition (accompanied by bill) of Michael F. Rush and others for legislation to designate a certain bridge on Route 109 over the Charles River connecting the city of Boston and the town of Dedham as the Honorable Robert L. Cawley Memorial Bridge. To the committee on Transportation.

Under suspension of the rules, on motion of Mr. Rush of Boston, the reports were considered forthwith. Joint Rule 12 then was suspended, in each instance. Severally sent to the Senate for concurrence.

By Mrs. Walrath of Stow, for the committee on Health Care Financing, asking to be discharged from further consideration of the Bill relative to insurance and lawful travel by applicants for life and

Lynn,
building
maintenance.

Milford,
Quarry
Stone,
LLC.

High
schools,
diplomas.

Architects,
selection.

Boston,
R.L. Cawley
Bridge.

Insured.

Division of
Professional
Licensure,
license fees.

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Water
Resources
Commission.

Unemployment
Assistance.

Veterans,
tuition
waiver.

Public Safety
and Homeland
Security
committee,
extension
of time for
reporting.

disability insurance and insured individuals (House, No. 4962),— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

Shelley
Nunes,
sick leave
bank.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill establishing a sick leave bank for Shelley Nunes, an employee of the Barnstable District Court (Senate, No. 2538) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Lepper of Attleboro, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed, in concurrence.

Boston,
ballot
preparation.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill relating to the preparation of ballots in the city of Boston (House, No. 4942) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Bradley of Hingham, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on motion of Mr. Petrucci of Boston, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Mental
Retardation.

A report of the committee on Children and Families, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 2858) of Martin J. Walsh and James E. Vallee relative to national criminal offender record information checks for persons working with individuals served by the Department of Mental Retardation, was considered forthwith, under suspension of the rules, on motion of Mrs. Owens-Hicks of Boston.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

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A report of the committee on Children and Families, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 2870) of Michael A. Costello and others for legislation to change the name of the Department of Mental Retardation to the department of developmental services, was considered forthwith, under suspension of the rules, on motion of Mr. Costello of Newburyport.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mrs. Owens-Hicks of Boston.

A report of the committee on Children and Families, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 3864) of Stephen P. LeDuc for legislation to require background checks for persons working with children and certain disabled persons, was considered forthwith, under suspension of the rules, on motion of Mr. Lepper of Attleboro.

Children
and
disabled
persons.

Pending the question on acceptance of the report, the petition was recommitted, on motion of Mrs. Owens-Hicks of Boston.

A report of the committee on Health Care Financing, ought NOT to pass (under Joint Rule 10), on the petition (accompanied by bill, House, No. 2665) of Robert J. Nyman that the Department of Public Health be directed to provide educational materials regarding Hepatitis C, was considered forthwith, under suspension of the rules, on motion of Mrs. Walrath of Stow.

Hepatitis C,
information.

Pending the question on acceptance of the report, the petition was recommitted, on further motion of the same member.

By Ms. Coakley-Rivera of Springfield, for the committee on Public Safety and Homeland Security, on House, No. 1089, a Bill relative to student safety (House, No. 5040) [Representatives Speliotis of Danvers, Murphy of Burlington and Ayers of Quincy dissenting]. Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Student
safety.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a recommitted petition, a Bill authorizing the teachers retirement system to grant certain creditable service (House, No. 285).

R. Chefitz,
retirement.

By the same member, for the same committee, on a recommitted petition, a Bill relative to the retirement allowance of a certain city of Everett school teacher (House, No. 4415).

Everett,
Ralph
Cecere.

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committee on Rules, on House No. 4800, reported, in part, a Bill relative to a certain retired employee of the Commonwealth (House, No. 4464). Read; and referred, under Rule 33, to the committee on Ways and Means.

J. Michael
Ruane,
retirement.

Subsequently, Mr. DeLeo of Winthrop, for said committee reported that the foregoing bill ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill reducing the loss of life due to fires caused by cigarettes (Senate, No. 2403, amended) ought to pass with amend-

Cigarettes,
fire
prevention.

Cigarettes,
fine
prevention.

ments by striking out section 1; in section 2, in line 18, by striking out the word "health" and inserting in place thereof the words "public safety", in lines 153 to 157, inclusive, by striking out the paragraph contained therein (inserted by amendment by the Senate) and inserting in place thereof the following paragraph:

"(c) For each cigarette listed in a certification a manufacturer shall pay to the commissioner a \$250 fee. The commissioner may, by regulation, adjust this fee to an amount sufficient only to provide for processing, testing, enforcement and oversight activities related to sections 2B to 2F, inclusive."; and by striking out section 5 (inserted by amendment by the Senate) and inserting in place thereof the following section:

"SECTION 5. This act shall take effect on January 1, 2008." Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading, with the amendments pending.

Engineers
and
surveyors.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the Bill relating to professional engineers and land surveyors (House, No. 4808) be scheduled for consideration by the House. Placed in the Orders of the Day for the next sitting for a second reading, with an amendment previously recommended by the committee on Ways and Means pending.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

The Senate Bill changing the membership of the retirement board of the Massachusetts Water Resources Authority employees' retirement system (Senate, No. 2507); and

House bills

Relative to group auto discounts on bank account balances under the safe driver insurance plan (House, No. 1522);

Relating to the cancellation or modification of an insurance producer's contract (House, No. 1545);

Relative to clarifying responsibility in matters involving multiple defendants (House, No. 2992);

Relative to the use of the name of financial institutions (House, No. 3007);

Relative to the governance of state chartered banks (House, No. 3075);

Relative to officers and directors of banks (House, No. 3077);

Establishing a sick leave bank for Michael McLaughlin, an employee of the Trial Court of the Commonwealth (House, No. 4578);

Relative to exposures to hazardous materials by certain members of the National Guard (House, No. 4591, changed);

Relative to processing of funds (House, No. 4649);

Relative to group marketing plans (House, No. 4974); and

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Michael
McLaughlin.
National
Guard.
Funds.
Marketing.

Authorizing the town of Southbridge to grant additional liquor licenses (House, No. 5004);

Southbridge,
liquor licenses.

Severally placed in the Orders of the Day for the next sitting for a second reading.

By Ms. Kaprielian of Watertown, for the committee on Municipalities and Regional Government, on a recommitted petition, a Bill relative to mutual police aid programs (House, No. 3596).

Mutual
police aid.

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill exempting Scott Lemay from the maximum age requirement for firefighters in the city of Methuen (House, No. 4118) [Local Approval Received].

Scott
Lemay.

By the same member, for the same committee, on House, No. 453, a Bill further regulating eligibility for the police civil service examination (House, No. 5041).

Police,
eligibility.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Emergency Measure.

The engrossed Bill relative to HIV and Hepatitis C prevention (see House, No. 4176, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Hepatitis C,
prevention.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 4 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

The engrossed Bill preserving federal highway funds and ensuring compliance with the Federal Motor Carrier Safety Improvement Act (see House, No. 4488, amended) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

The engrossed Bill relative to the Cherry Valley and Rochdale Water District (see House, No. 1290, amended) (which originated in the House) (which had been returned by His Excellency the Governor with recommendation of amendment), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be re-enacted, without amendment; and it was signed by the acting Speaker and sent to the Senate.

Bill
re-enacted.

The engrossed Bill restricting certain insurance benefits for part-time elected officials of the town of Norwell (see House bill printed in House, No. 4386) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted (more than two-thirds of the members having agreed to pass the same); and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.

*Engrossed bills*Bills
enacted.

Authorizing the town of Russell to borrow money for the upgrade and extension of the town's community cable television system (see Senate, No. 2243) (which originated in the Senate);

Regulating reduction in rank for members of the fire department of the town of Swampscott (see House, No. 4184); and

Authorizing the town of Burlington to accept certain streets (see House, No. 4486, amended);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Recess.

Recess.

At five minutes before twelve o'clock noon, on motion of Mr. Sullivan of Fall River (Mr. Donato of Medford being in the Chair), the House recessed until a quarter before one o'clock P.M.; and at two minutes before one o'clock the House was called to order with Mr. Donato in the Chair.

*Resolutions.*John L.
Vanella.

Resolutions (filed with the Clerk by Mr. Murphy of Burlington) congratulating John L. Vanella on his years of service to the community of Burlington as a school committee member, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Natale of Woburn, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

*Orders of the Day.*Third
reading
bill.

The House Bill further regulating the provision of electricity and other services in the Commonwealth (House, No. 4031), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At nine minutes after one o'clock P.M., on motion of Mr. Natale of Woburn (Mr. Donato of Medford being in the Chair), the House recessed until two o'clock P.M.; and at that time the House was called to order with Mr. Donato in the Chair.

*Emergency Measure.*Shelley
Nunes,
sick leave
bank.

The engrossed Bill establishing a sick leave bank for Shelley Nunes, an employee of the Barnstable District Court (see Senate, No. 2538), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Subsequently, the Senate having concurred in adoption of the emergency preamble, the bill (which originated in the Senate) was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.*Engrossed Bill.*

The engrossed Bill transferring responsibility for the maintenance and repairs of all city of Lynn school buildings and grounds (see Senate, No. 2562, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Bill
enacted.*Order.*

On motion of Mr. DiMasi of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Wednesday next at eleven o'clock A.M.

Next
sitting.

At sixteen minutes after two o'clock P.M., on motion of Mr. Lepper of Attleboro (Mr. Donato of Medford being in the Chair), the House adjourned, to meet on Wednesday next at eleven o'clock A.M.